

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**RAPHEL UNTEEKE DENNIS,**

**Petitioner,**

**v.**

**JAMES YATES et al.,**

**Respondents.**

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**Case No. CIV-19-381-G**

**ORDER**

Petitioner Raphael Unteeke Dennis, a state prisoner appearing pro se, filed a habeas petition and an application seeking leave to proceed *in forma pauperis*. Consistently with 28 U.S.C. § 636, the matter was referred to Magistrate Judge Bernard M. Jones for initial proceedings. The magistrate judge recommends that Petitioner's application be denied, based on his determination that Petitioner currently has an available balance of \$119.17 in his institutional savings account, which is sufficient to prepay the \$5.00 filing fee.

Petitioner failed to object to the Report and Recommendation within the time allowed. He thereby waived his right to appellate review of the factual and legal issues addressed therein. *See Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010); *see* 28 U.S.C. § 636(b)(1)(C).

Accordingly, the court ADOPTS Magistrate Judge Jones' Report and Recommendation (Doc. No. 5). Petitioner's application for leave to proceed *in forma pauperis* (Doc No. 2) is DENIED. Petitioner is advised that unless he pays the \$5.00 filing fee in full to the Clerk of the Court on or before June 27, 2019, or shows good cause for

his failure to do so, this action will be dismissed without prejudice to refiling. *See* LCvR 3.3(3).

IT IS SO ORDERED this 6th day of June, 2019.

  
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CHARLES B. GOODWIN  
United States District Judge